

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:

Simpson, et al.

Serial No.: 09/993,116

Filed: November 14, 2001

Confirmation No.: 6990

Group Art Unit: 2178

Examiner: Stork, Kyle

Docket No. 10008206-1

For: **System for Identifying and Extracting Text
Information Using Web Based Imaging**

APPEAL BRIEF UNDER 37 C.F.R. §1.192

Mail Stop Appeal Brief - Patents
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is an appeal from the decision of Examiner Kyle R. Stork, Group Art Unit 2178, of May 19, 2006, (Part of Paper No./Mail Date 20060424), rejecting claims 37-42, 44, 46-54, 56, 57, and 59-66 in the present application and making the rejection FINAL.

I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF THE CLAIMS

Claims 37-42, 44, 46-54, 56, 57, and 59-66 are pending in the present application. Through prosecution of this matter, claims 1-36, 43, 45, 55, and 58 have been canceled without prejudice, waiver, or disclaimer. Claims 37-42, 44, 46-54, 56, 57, and 59-66 were rejected by the FINAL Office Action and are the subject of this appeal. An Advisory Action, dated August 28, 2006, affirmed the rejections.

IV. STATUS OF AMENDMENTS

No amendments have been made or requested since the mailing of the FINAL Office Action and all amendments submitted prior to the FINAL action have been entered. A copy of the currently pending claims is attached hereto as Appendix, section IX.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Embodiments of the claimed subject matter are illustrated in FIGS. 1-3 and are discussed in the specification at least at pages 4-25.

Embodiments of the claimed subject matter, such as those defined by claim 37, define a system (see, *e.g.*, FIGS. 1 and 3, reference numerals 100, 300, and page 4, line 18 – page 12, line 24; page 17, lines 10-13) comprising a browser (see, *e.g.*, FIGS. 1-3, reference numerals 112 and 312, and page 5, line 25 – page 6, line 11; page 8, lines 8-17; page 10, line 1 – page 13, line 8; page 14, line 25 – page 15, line 13; page 15, line 22 – page 17, line 3; page 17, line 10 – page 19, line 7; page 19, line 19 – page 22, line 2; page 22, lines 10-17; page 23, line 10 – page 25, line 17)

having an applications program interface (API) (see, *e.g.*, FIGS. 1-3, reference numerals 116, 316, and page 6, lines 6-9; page 8, lines 11-13; page 10, lines 1-21; page 11, line 11 – page 12, line 6; page 13, lines 5-8; page 15, lines 1-2 and 22-25; page 16, line 1 – page 17, line 3; page 7, lines 10-13; page 18, lines 3-6 and 19-23; page 20, lines 12-15; page 21, lines 6-11; page 23, line 17 – page 24, line 22) and a user identification (ID) (see, *e.g.*, FIGS. 1-3, reference numerals 118 and 318, and page 6, lines 8-11; page 8, lines 11-17; page 9, lines 16-19; page 10, lines 19-21; page 13, lines 5-8; page 15, lines 1-2; page 24, lines 4-6) coupled to the API, the user ID comprising a reference to a user profile (see, *e.g.*, FIGS. 1 and 3, reference numerals 168 and 368, and page 6, lines 8-22; page 8, lines 4-17; page 9, lines 14-19; page 10, lines 19-21; page 12, lines 3-4; page 24, lines 4-6) associated with a profile store (see, *e.g.*, FIG. 1, reference numeral 170, and page 6, lines 8-17; page 7, line 11 – page 8, line 4; page 9, lines 20-23), the user profile comprising a reference to a graphics store (see, *e.g.*, FIG. 1, reference numerals 176, and page 6, lines 13-15; page 9, lines 14-19) and a composition store (see, *e.g.*, FIG. 1, reference numerals 178, and page 9, lines 14-19) associated with a user, the API exposed to web content (see, *e.g.*, FIGS. 1-3, reference numerals 114 and 314, and page 5, line 24 – page 6, line 5; page 8, lines 10-13; page 10, line 1 – page 12, line 12; page 13, lines 3-8; page 14, line 25 – page 15, line 1; page 15, line 22 – page 17, line 3; page 17, line 10 – page 18, line 4; page 18, line 23 – page 19, line 4; page 19, line 19 – page 20, line 17; page 21, lines 2-3 and 14-22; page 21, line 23 – page 22, line 2; page 22, lines 10-17; page 23, line 10 – page 24, line 18; page 25, lines 3-17) downloaded to the web browser over a network (see, *e.g.*, FIGS. 1-2, reference numeral 140, and page 5, lines 3-16), the web content comprising one or more graphics (see, *e.g.*, FIGS. 1 and 3, reference numerals 188, 192, 194, 388, 392, and page 8, line 18 – page 9, lines 13 and 18-19; page 11, lines 3-23; page 18, line 14 – page 19, page 20, lines 15-17; page 21, lines 6 – page 22, line 5; page 22, line 10 – page 25, line 7); a user profile server (see, *e.g.*, FIG. 1, reference

numeral 166, and page 7, lines 11-18; page 9, lines 20-23; page 18, lines 10-14) comprising the profile store, wherein the profile store comprises user specific data; a graphics server (see, *e.g.*, FIG. 1, reference numeral 162, and page 7, lines 11-18; page 9, lines 20-23; page 18, lines 10-14) comprising the graphics store (see, *e.g.*, FIGS. 1 and 3, reference numerals 174 and 374, and page 7, lines 11-20; page 8, line 4 – page 9, lines 6 and 20-23; page 11, lines 3-23; page 18, line 10 – page 19, line 7; page 20, lines 21-24; page 21, lines 6-13; page 22, line 10 – page 23, page 24, lines 19-22), wherein the graphics store is configured to enable network access by the browser of the one or more graphics; and a composition server (see, *e.g.*, FIG. 1, reference numeral 164, and page 7, lines 11-18; page 9, lines 20-23; page 18, lines 10-14) comprising the composition store (see, *e.g.*, FIGS. 1 and 3, reference numerals 172 and 372, and page 7, line 11 – page 8, line 8; page 9, lines 7-13 and 20-23; page 11, lines 15-23; page 18, lines 10-23; page 21, lines 6-13; page 23, lines 20-25), wherein the composition store comprises one or more compositions (see, *e.g.*, FIGS. 1 and 3, reference numeral 184, 186, and 386, page 9, lines 7-13; page 11, lines 15-23; page 18, lines 17-23; page 20, lines 12-15; page 24, lines 1-10 and 19-22) that determine the manner in which the one or more graphics are mapped into a series of web pages (see, *e.g.*, FIG. 3, reference numeral 365, page 17, line 16; page 21, lines 2-5), wherein the browser is coupled over a network to the user profile server, the graphics server, and the composition server, and wherein the API is configured to make the user specific data and the one or more graphics formatted according to the one or more compositions available to a first web service (see, *e.g.*, FIG. 3, reference numeral 310, page 17, lines 14-24; page 18, line 23 - page 19, line 7; page 19, line 19 – page 20, line 4), wherein the API is configured to enable the first web service to perform optical character recognition (see, *e.g.*, FIG. 3, page 20, line 18 – page 22, line 7) on the one or more graphics in response to a request by the first web service for information pertaining to the user profile.

Embodiments of the claimed subject matter, such as those defined by claim 38, further define the system of claim 37, wherein the user profile comprises a reference to a composition (see, *e.g.*, FIG. 1, reference numeral 182, page 11, lines 18-23) associated with the composition store, a reference to a default composition (see, *e.g.*, FIG. 1, reference numeral 182, page 8, lines 4-8; page 9, lines 14-19; page 11, lines 18-23) associated with the composition store, or a combination of both.

Embodiments of the claimed subject matter, such as those defined by claim 39, further define the system of claim 38, wherein the reference comprises a universal resource locator (URL) (see, *e.g.*, page 9, lines 16-19).

Embodiments of the claimed subject matter, such as those defined by claim 40, further define the system of claim 37, wherein the wherein the browser is configured to receive the web content (see, *e.g.*, page 5, line 24 – page 6, line 1).

Embodiments of the claimed subject matter, such as those defined by claim 41, further define the system of claim 40, wherein the API, responsive to activation by the web content, uses the user ID to access the user profile (see, *e.g.*, page 8, lines 10-17).

Embodiments of the claimed subject matter, such as those defined by claim 42, further define the system of claim 41, wherein responsive to the access of the user profile, the web browser is configured to present the web content using the user specific data (see, *e.g.*, page 8, lines 10-17).

Embodiments of the claimed subject matter, such as those defined by claim 44, further define the system of claim 37, wherein the graphics store is configured to enable manipulation of formats over the network for the one or more graphics (see, *e.g.*, page 8, line 19 – page 9, line 2).

Embodiments of the claimed subject matter, such as those defined by claim 46,

further define the system of claim 44, wherein the API, responsive to activation by the web content, creates the one or more graphics and stores the same in the graphics store (see, *e.g.*, page 11, lines 3-14).

Embodiments of the claimed subject matter, such as those defined by claim 47, further define the system of claim 37, wherein the one or more compositions comprise a reference to the one or more graphics in the graphics store (see, *e.g.*, page 9, lines 10-13).

Embodiments of the claimed subject matter, such as those defined by claim 48, further define the system of claim 37, wherein the composition store comprises a default composition store (see, *e.g.*, page 8, lines 4-8).

Embodiments of the claimed subject matter, such as those defined by claim 49, further define the system of claim 37, wherein the one or more compositions comprise a default composition or default compositions (see, *e.g.*, page 8, lines 4-8).

Embodiments of the claimed subject matter, such as those defined by claim 50, further define the system of claim 37, wherein the API, responsive to activation by the web content, creates the one or more compositions and stores the same in the composition store (see, *e.g.*, page 11, lines 15-17).

Embodiments of the claimed subject matter, such as those defined by claim 51, further define the system of claim 37, wherein the reference comprises a universal resource locator (URL) (see, *e.g.*, page 9, lines 16-19).

Embodiments of the claimed subject matter, such as those defined by claim 52, further define the system of claim 37, wherein the profile store comprises user specific data for a plurality of users (see, *e.g.*, page 6, line 12).

Embodiments of the claimed subject matter, such as those defined by claim 53, further define the system of claim 37, wherein the API, responsive to activation by the web

content, changes the reference in the user profile store (see, *e.g.*, page 11, lines 18-23).

Embodiments of the claimed subject matter, such as those defined by claim 54, further define the system of claim 37, wherein the graphics server provides text information (see, *e.g.*, page 22, lines 10-23).

Embodiments of the claimed subject matter, such as those defined by claim 56, define a method for providing user-specific web pages, comprising receiving web content (see, *e.g.*, FIGS. 1-3, reference numerals 114 and 314, and page 5, line 24 – page 6, line 5; page 8, lines 10-13; page 10, line 1- page 12, line 12; page 13, lines 3-8; page 14, line 25 – page 15, line 1; page 15, line 22 – page 17, line 3; page 17, line 10 – page 18, line 4; page 18, line 23 – page 19, line 4; page 19, line 19 – page 20, line 17; page 21, lines 2-3 and 14-22; page 21, line 23 – page 22, line 2; page 22, lines 10-17; page 23, line 10 – page 24, line 18; page 25, lines 3-17) comprising one or more graphics (see, *e.g.*, FIGS. 1 and 3, reference numerals 188, 192, 194, 388, 392, and page 8, line 18 – page 9, lines 13 and 18-19; page 11, lines 3-23; page 18, line 14 – page 19, page 20, lines 15-17; page 21, lines 6 – page 22, line 5; page 22, line 10 – page 25, line 7); responsive to activation by the web content: storing the one or more graphics in a network accessible graphics store (see, *e.g.*, FIGS. 1 and 3, reference numerals 174 and 374, and page 7, lines 11-20; page 8, line 4 – page 9, lines 6 and 20-23; page 11, lines 3-23; page 18, line 10 – page 19, line 7; page 20, lines 21-24; page 21, lines 6-13; page 22, line 10 – page 23, page 24, lines 19-22); creating one or more compositions (see, *e.g.*, FIGS. 1 and 3, reference numeral 184, 186, and 386, page 9, lines 7-13; page 11, lines 15-23; page 18, lines 17-23; page 20, lines 12-15; page 24, lines 1-10 and 19-22) corresponding to the manner in which the one or more graphics are mapped into web pages and storing the same in a network accessible composition store (see, *e.g.*, FIGS. 1 and 3, reference numerals 172 and 372, and page 7, line 11 – page 8, line 8;

page 9, lines 7-13 and 20-23; page 11, lines 15-23; page 18, lines 10-23; page 21, lines 6-13; page 23, lines 20-25); in response to a web service (see, *e.g.*, FIG. 3, reference numeral 310, page 17, lines 14-24; page 18, line 23 - page 19, line 7; page 19, line 19 - page 20, line 4) request for information, enabling access of a user profile (see, *e.g.*, FIGS. 1 and 3, reference numerals 168 and 368, and page 6, lines 8-22; page 8, lines 4-17; page 9, lines 14-19; page 10, lines 19-21; page 12, lines 3-4; page 24, lines 4-6) by the web service, the user profile associated with a network accessible profile store (see, *e.g.*, FIG. 1, reference numeral 170, and page 6, lines 8-17; page 7, line 11 - page 8, line 4; page 9, lines 20-23), the user profile comprising a reference to the graphics store (see, *e.g.*, FIG. 1, reference numerals 176, and page 6, lines 13-15; page 9, lines 14-19), the composition store (see, *e.g.*, FIG. 1, reference numerals 178, and page 9, lines 14-19), and the one or more compositions (see, *e.g.*, FIG. 1, reference numeral 182, page 11, lines 18-23); and enabling optical character recognition (see, *e.g.*, FIG. 3, reference numeral 315, page 20, line 18 - page 22, line 7) by the web service of the one or more graphics to provide the requested information for use in presentation in the web pages with data specific to a user corresponding to the user profile and with the one or more graphics formatted based on the one or more compositions.

Embodiments of the claimed subject matter, such as those defined by claim 57, further define the method of claim 56, wherein the reference comprises a universal resource locator (URL) (see, *e.g.*, page 9, lines 16-19).

Embodiments of the claimed subject matter, such as those defined by claim 59, further define the method of claim 56, wherein enabling access comprises providing a user identification (ID) comprising a reference to the user profile (see, *e.g.*, FIGS. 1-3, reference numerals 118 and 318, and page 6, lines 8-11; page 8, lines 11-17; page 9, lines 16-19;

page 10, lines 19-21; page 13, lines 5-8; page 15, lines 1-2; page 24, lines 4-6).

Embodiments of the claimed subject matter, such as those defined by claim 60, further define the method of claim 56, wherein creating one or more graphics comprises invoking an applications program interface (API) based on the web content (see, *e.g.*, page 11, lines 3-14).

Embodiments of the claimed subject matter, such as those defined by claim 61, further define the method of claim 56, wherein creating one or more compositions comprises invoking an applications program interface (API) based on the web content (see, *e.g.*, page 11, lines 15-17).

Embodiments of the claimed subject matter, such as those defined by claim 62, further define the method of claim 56, wherein storing comprises storing in a single server (see, *e.g.*, page 7, lines 14-18).

Embodiments of the claimed subject matter, such as those defined by claim 63, further define the method of claim 56, wherein storing comprises storing in a plurality of servers (see, *e.g.*, page 7, lines 14-18).

Embodiments of the claimed subject matter, such as those defined by claim 64, further define the method of claim 56, further comprising changing the reference responsive to activation by web content (see, *e.g.*, page 11, lines 18-23).

Embodiments of the claimed subject matter, such as those defined by claim 65, further define the method of claim 56, wherein the graphics comprise text information (see, *e.g.*, page 21, lines 19-22).

Embodiments of the claimed subject matter, such as those defined by claim 66, define a system, comprising means for receiving web content comprising one or more graphics (see, *e.g.*, FIGS. 1-3, reference numerals 112 and 312, and page 5, line 25 – page 6, line

11; page 8, lines 8-17; page 10, line 1 – page 13, line 8; page 14, line 25 – page 15, line 13; page 15, line 22 – page 17, line 3; page 17, line 10 – page 19, line 7; page 19, line 19 – page 22, line 2; page 22, lines 10-17; page 23, line 10 – page 25, line 17); responsive to activation by the web content: means for storing the one or more graphics in a network accessible graphics store (see, *e.g.*, FIGS. 1 and 3, reference numeral 162, 174, and 374, and page 7, lines 11-20; page 8, line 4 – page 9, lines 6; page 9, lines 20-23; page 11, lines 3-23; page 18, line 10 – page 19, line 7; page 20, lines 21-24; page 21, lines 6-13; page 22, line 10 – page 23, page 24, lines 19-22) and creating one or more compositions corresponding to the manner in which the one or more graphics are mapped into web pages and storing the same in a network accessible composition store (see, *e.g.*, FIGS. 1 and 3, reference numeral 164, 172, and 372, and page 7, line 11 – page 8, line 8; page 9, lines 7-13 and 20-23; page 11, lines 15-23; page 18, lines 10-23; page 21, lines 6-13; page 23, lines 20-25); in response to a web service request for information, means for enabling access of a user profile by the web service (see, *e.g.*, FIGS. 1-3, reference numerals 116, 316, 118, and 318, and page 6, lines 6-11; page 8, lines 11-17; page 9, lines 16-19; page 10, lines 1-21; page 11, line 11 – page 12, line 6; page 13, lines 5-8; page 15, lines 1-2 and 22-25; page 16, line 1 – page 17, line 3; page 7, lines 10-13; page 18, lines 3-6 and 19-23; page 20, lines 12-15; page 21, lines 6-11; page 23, line 17 – page 24, line 22), the user profile associated with a network accessible profile store (see, *e.g.*, FIG. 1, reference numeral 170, and page 6, lines 8-17; page 7, line 11 – page 8, line 4; page 9, lines 20-23), the user profile comprising a reference to the graphics store (see, *e.g.*, FIG. 1, reference numerals 176, and page 6, lines 13-15; page 9, lines 14-19), the composition store (see, *e.g.*, FIG. 1, reference numerals 178, and page 9, lines 14-19), and the one or more compositions (see, *e.g.*, FIG. 1, reference numeral 182, page 11, lines 18-23); and means for enabling optical

character recognition by the web service of the one or more graphics to provide the requested information for use in presentation in the web pages with data specific to a user corresponding to the user profile and with the one or more graphics formatted based on the one or more compositions (see, *e.g.*, FIGS. 1-3, reference numerals 112, 312, 114, 314, and 315, and page 5, line 25 – page 6, line 11; page 8, lines 8-17; page 10, line 1 – page 13, line 8; page 14, line 25 – page 15, line 13; page 14, line 25 – page 15, line 1; page 15, line 22 – page 17, line 3; page 17, line 10 – page 19, line 7; page 19, line 19 – page 22, line 7; page 22, lines 10-17; page 23, line 10 – page 25, line 17).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The FINAL Office Action rejected claims 37-43 and 47-66 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of *Gudorf et al.* (“*Gudorf*,” U.S. Pub. No. 2002/0174230) and further in view of *Bradford* (“*Bradford*,” U.S. Pat. No. 5,805,747).

The FINAL Office Action rejected claims 44-46 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of *Gudorf* and *Bradford* and further in view of *Gillespie et al.* (“*Gillespie*,” U.S. Pub. No. 2002/0059243).

VII. ARGUMENT

A. Discussion of Art-Based Rejections Under 35 U.S.C. § 103(a) – (Independent Claims 37, 56, and 66, and Corresponding Dependent Claims 38-42, 44, 46-54, 57, and 59-65)

The FINAL Office Action has rejected claims 37-42, 44, 46-54, 56, 57, and 59-66 as allegedly unpatentable over the various combinations of references described in Section VI above. For at least the reasons set forth herein, Applicant respectfully disagrees with the rejections and requests that the rejections be overturned.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant’s disclosure.

In the present case, Applicants respectfully submit that a *prima facie* case for obviousness has not been established.

Independent Claim 37

Claim 37 recites (with emphasis added):

37. A system comprising:

a browser having an applications program interface (API) and a user identification (ID) coupled to the API, the user ID comprising a reference to a user profile associated with a profile store, the user profile comprising a reference to a graphics store and a composition store associated with a user, the API exposed to web content downloaded to the web browser over a network, the web content comprising one or more graphics;

a user profile server comprising the profile store, wherein the profile store comprises user specific data;

a graphics server comprising the graphics store, wherein the graphics store is configured to enable network access by the browser of the one or more graphics;
and

a composition server comprising the composition store, wherein the composition store comprises one or more compositions that determine the manner

in which the one or more graphics are mapped into a series of web pages,

wherein the browser is coupled over a network to the user profile server, the graphics server, and the composition server, and wherein the API is configured to make the user specific data and the one or more graphics formatted according to the one or more compositions available to a first web service, wherein the API is configured to enable the first web service to perform optical character recognition on the one or more graphics in response to a request by the first web service for information pertaining to the user profile.

Applicants respectfully submit that *Gudorf* in view of *Bradford*, assuming *arguendo* a proper combination, fails to disclose, teach, or suggest at least the emphasized claim features. The FINAL Office Action refers to paragraphs 0004, 0026, and 0056-0059 for the claim features, ***the user profile comprising a reference to a graphics store and a composition store associated with a user.*** However, Applicants respectfully note that none of these sections recite a ***user profile*** that comprises a ***reference to a...composition store associated with a user.*** In fact, Applicants respectfully submit that to assert that *Gudorf* discloses or suggests that would be objectively unreasonable in view of the arrangement described in paragraph 0045 and shown in Figure 3. For instance, page 3 of the Office Action appears to equate the ***composition store*** to the “default portal templates 102” shown in Figure 3 of *Gudorf* and described in paragraph 0045. Paragraph 0045 is reproduced below as follows:

[0045] The user characterization database 96 is accessed by a publisher of a web site, depicted as a portal provider 100, to personalize default portal templates 102 with associated content 104. In particular, the portal provider 100 provide matches associated content 104 with the user characterization database 96 to populate a selected default template 102 with personalized on-line content 106.

Referring to Figure 3 and paragraph 0045 of *Gudorf*, and assuming *arguendo* that the default portal template 102 is the ***composition store***, it appears that the portal provider 100 accesses the templates and populates the same with data from the database 96. Given that arrangement, it is unlikely that a ***user profile***, assuming *arguendo* one exists, comprises ***a reference to...a***

composition store associated with a user at least since the templates in the default portal template 102 appear to be generic in nature, dis-associated with any particular user, and not utilized by a web browser or user profile. *Bradford*, representing what appears to be an entirely different technology and architecture, not surprisingly fails to remedy this deficiency.

The Advisory Action, dated August 28, 2006, responds to Applicants' response after final as follows:

The applicant appears to argue that Gudorf fails to disclose a composition store associated with a user (page 11). However, the examiner respectfully disagrees. Gudorf discloses a composition store comprising one or more compositions that determine the manner in which the one or more graphics are mapped to a series of web pages (paragraph 0045). As Gudorf discloses, "the portal provider 100 provide matches associated content 104 with the user characterization database 96 to populate a selected default template 102 with personalized on-line content 106 (paragraph 0045)." The default template 102 determines the manner in which one or more graphics are mapped into a series of web pages. Further, the default template is populated with personalized on-line content 106, that is user specific data..[sic]

Applicants respectfully disagree. Assuming *arguendo* the user characterization database is equated to a *user profile* and the default portal template is equated to a *composition store* (the admission of which is neither expressed nor implied), there is simply nothing to suggest in paragraph (0045) that the "user characterization profile" comprises a reference to the "default portal template." For at least the reasons presented above, Applicants respectfully request that the rejection to independent claim 37 be overturned.

Also, even assuming *arguendo* the proposed combination is proper, *Gudorf* in view of *Bradford* does not disclose, teach, or suggest at least *a browser having an applications program interface (API) and a user identification (ID) coupled to the API*. *Bradford* appears to show an *API*, but not a *browser*. *Gudorf* appears to show a *browser*, but not an *API* and not "OCR" technology. Applicants respectfully note the quotation from *Laitram Corp. v.*

Cambridge Wire Cloth Co., 226 USPQ 289, 293 (D. Md. Mag. 1985) with regard to inventiveness, where the court stated “To illustrate this notion, you cannot claim that the existence of a unicorn should be obvious from taking a trip to the zoo and seeing a horse and a white rhinoceros in adjacent cages. It takes a spark of inventiveness to look at a horse and then look at a white rhinoceros and then conceive the idea of a white horse with a horn.” Similarly, it takes, at the very least, a spark of inventiveness to look at a **browser**, an **API**, and a **user ID**, then conceive the idea of a **browser having an API and a user identification (ID) coupled to the API**.

Additionally, Applicants respectfully disagree with the assertion on page 4 of the FINAL Office Action that it “would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have combined Gudorf’s system with Gudorf’s servers, since it would have allowed for greater processing performance and storage capacity (paragraph 0024).” Even assuming that greater processing performance and storage capacity would result, that assertion alone simply not a sufficient basis to assert obviousness since there is no teaching or suggestion in the references or art of record to use separate servers for the **graphics store** and **composition store**.

Further, Applicants respectfully submit that the proposed combination of *Gudorf* in view of *Bradford* is not obvious. For instance, one indicia of unobviousness recognized by the Federal Circuit and the USPTO pertains to the absence of a motivation to combine references. Page 4 of the FINAL Office Action offers the following reasoning for the combination:

It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have combined Gudorf with Bradford, since it would have allowed a plurality of devices to interact without user interference (Bradford: column 7, lines 49-67).

Applicants respectfully disagree, and believe that, at least in view of the disparate systems and problems to be solved in *Gudorf* and *Bradford*, such a proposed combination is more likely the result of improper hindsight reasoning. Federal case law makes it clear that an obviousness analysis requires an “as a whole” assessment, which Applicants respectfully submit has not been performed in the instant case. In particular, *Princeton Biochemicals Inc. v. Beckman Coulter Inc.*, 75 U.S.P.Q.2d. 1051, 1054 (Fed. Cir. 2005) makes it clear that “[T]itle 35, section 103, requires assessment of the invention as a whole. This “as a whole” assessment of the invention requires a showing that an artisan of ordinary skill in the art at the time of the invention, confronted by the same problems as the inventor and with no knowledge of the claimed invention, would have selected the various elements from the prior art and combined them in the claimed manner.” Applying to the present case, one exemplary problem addressed by Applicants’ system and method pertains to the tediousness of entering user specific data through a browser for various web services. *Gudorf* emphasizes the provision of hypertext on-line content to an Internet browser. (see paragraph 0001) A keyword search of *Bradford* fails to reveal any mention of a “browser” or the “Internet,” and in fact, has nothing to do with the handling of user-specific or personalized data. According to the Abstract of *Bradford*, *Bradford* is concerned with “an optical character recognition (OCR) system an[sic] improved method and apparatus for recognizing the character and producing an indication of the confidence with which the character has been recognized.” Likewise, there is no mention of optical character recognition in *Gudorf*. Clearly *Gudorf* and *Bradford* address distinct problems using distinct solutions. As Federal case law makes clear, “[F]urthermore, the teaching, motivation, or suggestion must be present within the cited references. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed.Cir.1988). Applicants respectfully submit that an “as a whole”

assessment has not been employed in the FINAL Office Action and further that a *prima facie* case for obviousness has not been established. Accordingly, Applicants respectfully request that the rejection be overturned for these additional reasons.

Because independent claim 37 is allowable over *Gudorf* in view of *Bradford*, and *Gillespie* does not remedy the above described deficiencies, dependent claims 38-42, 44, and 46-54 are allowable as a matter of law for at least the reason that the dependent claims 38-42, 44, and 46-54 contain all elements of their respective base claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Hence, Applicants respectfully request that the rejection to claims 38-42, 44, and 46-54 be overturned.

Independent Claim 56

Claim 56 recites (with emphasis added):

56. A method for providing user-specific web pages, comprising:
receiving web content comprising one or more graphics;
responsive to activation by the web content:
storing the one or more graphics in a network accessible graphics store;
creating one or more compositions corresponding to the manner in which
the one or more graphics are mapped into web pages and storing the same in a
network accessible composition store;
in response to a web service request for information, enabling access of a
user profile by the web service, the user profile associated with a network
accessible profile store, ***the user profile comprising a reference to the graphics
store, the composition store, and the one or more compositions; and***
***enabling optical character recognition by the web service of the one or
more graphics to provide the requested information for use in presentation in the
web pages with data specific to a user corresponding to the user profile and with
the one or more graphics formatted based on the one or more compositions.***

For similar reasons presented above in association with claim 37, and in particular, the discussion pertaining to the absence in the art of record of the ***user profile comprising a reference to the...composition store*** and the unobviousness of the proposed combination, Applicants respectfully submit that *Gudorf* in view of *Bradford*, assuming proper combination,

fails to disclose, teach, or suggest at least the emphasized claim features and further that the proposed combination is not obvious. Accordingly, Applicants respectfully request that the rejection to independent claim 56 be overturned.

Because independent claim 56 is allowable over *Gudorf* in view of *Bradford*, dependent claims 57 and 59-65 are allowable as a matter of law. Hence, Applicants respectfully request that the rejection to claims 57 and 59-65 be overturned.

Independent Claim 66

Claim 66 recites (with emphasis added):

66. A system comprising:
means for receiving web content comprising one or more graphics;
responsive to activation by the web content:
means for storing the one or more graphics in a network accessible graphics store and creating one or more compositions corresponding to the manner in which the one or more graphics are mapped into web pages and storing the same in a network accessible composition store;
in response to a web service request for information, means for enabling access of a user profile by the web service, the user profile associated with a network accessible profile store, *the user profile comprising a reference to the graphics store, the composition store, and the one or more compositions*; and
means for enabling optical character recognition by the web service of the one or more graphics to provide the requested information for use in presentation in the web pages with data specific to a user corresponding to the user profile and with the one or more graphics formatted based on the one or more compositions.

For similar reasons presented above in association with claim 37, and in particular, the discussion pertaining to the absence in the art of record of the *user profile comprising a reference to the...composition store* and the unobviousness of the proposed combination, Applicants respectfully submit that *Gudorf* in view of *Bradford* fails to disclose, teach, or suggest at least the emphasized claim features and further that the proposed combination is not obvious. Accordingly, Applicants respectfully request that the rejection to independent claim 66 be overturned.

For at least the forgoing reasons, it is Applicant's position that a *prima facie* for obviousness has not been made against Applicant's claims, and thus the rejections to claims 37-42, 44, 46-54, 56, 57, and 59-66 should be overturned.

CONCLUSION

Based upon the foregoing discussion, Applicants respectfully request that the Examiner's final rejection of claims 37-42, 44, 46-54, 56, 57, and 59-66 be overturned by the Board, and that the application be allowed to issue as a patent with all pending claims 37-42, 44, 46-54, 56, 57, and 59-66.

In addition to the claims shown in the claims Appendix VIII, Appendix IX attached hereto indicates that there is no evidence being attached and relied upon by this brief. Appendix X attached hereto indicates that there are no related proceedings.

Please charge Hewlett-Packard Company's deposit account 08-2025 in the amount of \$500 for the filing of this Appeal Brief. No additional fees are believed to be due in connection with this Appeal Brief. If, however, any additional fees are deemed to be payable, you are hereby authorized to charge any such fees to deposit account No. 08-2025.

Respectfully submitted,

/dr/

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VIII. CLAIMS - APPENDIX

37. A system comprising:

a browser having an applications program interface (API) and a user identification (ID) coupled to the API, the user ID comprising a reference to a user profile associated with a profile store, the user profile comprising a reference to a graphics store and a composition store associated with a user, the API exposed to web content downloaded to the web browser over a network, the web content comprising one or more graphics;

a user profile server comprising the profile store, wherein the profile store comprises user specific data;

a graphics server comprising the graphics store, wherein the graphics store is configured to enable network access by the browser of the one or more graphics; and

a composition server comprising the composition store, wherein the composition store comprises one or more compositions that determine the manner in which the one or more graphics are mapped into a series of web pages,

wherein the browser is coupled over a network to the user profile server, the graphics server, and the composition server, and wherein the API is configured to make the user specific data and the one or more graphics formatted according to the one or more compositions available to a first web service, wherein the API is configured to enable the first web service to perform optical character recognition on the one or more graphics in response to a request by the first web service for information pertaining to the user profile.

38. The system of claim 37, wherein the user profile comprises a reference to a composition associated with the composition store, a reference to a default composition associated with the composition store, or a combination of both.

39. The system of claim 38, wherein the reference comprises a universal resource locator (URL).

40. The system of claim 37, wherein the browser is configured to receive the web content.

41. The system of claim 40, wherein the API, responsive to activation by the web content, uses the user ID to access the user profile.

42. The system of claim 41, wherein responsive to the access of the user profile, the web browser is configured to present the web content using the user specific data.

44. The system of claim 37, wherein the graphics store is configured to enable manipulation of formats over the network for the one or more graphics.

46. The system of claim 44, wherein the API, responsive to activation by the web content, creates the one or more graphics and stores the same in the graphics store.

47. The system of claim 37, wherein the one or more compositions comprise a reference to the one or more graphics in the graphics store.

48. The system of claim 37, wherein the composition store comprises a default composition store.

49. The system of claim 37, wherein the one or more compositions comprise a default composition or default compositions.

50. The system of claim 37, wherein the API, responsive to activation by the web content, creates the one or more compositions and stores the same in the composition store.

51. The system of claim 37, wherein the reference comprises a universal resource locator (URL).

52. The system of claim 37, wherein the profile store comprises user specific data for a plurality of users.

53. The system of claim 37, wherein the API, responsive to activation by the web content, changes the reference in the user profile store.

54. The system of claim 37, wherein the graphics server provides text information.

56. A method for providing user-specific web pages, comprising:
- receiving web content comprising one or more graphics;
 - responsive to activation by the web content:
 - storing the one or more graphics in a network accessible graphics store;
 - creating one or more compositions corresponding to the manner in which the one or more graphics are mapped into web pages and storing the same in a network accessible composition store;
 - in response to a web service request for information, enabling access of a user profile by the web service, the user profile associated with a network accessible profile store, the user profile comprising a reference to the graphics store, the composition store, and the one or more compositions; and
 - enabling optical character recognition by the web service of the one or more graphics to provide the requested information for use in presentation in the web pages with data specific to a user corresponding to the user profile and with the one or more graphics formatted based on the one or more compositions.
57. The method of claim 56, wherein the reference comprises a universal resource locator (URL).
59. The method of claim 56, wherein enabling access comprises providing a user identification (ID) comprising a reference to the user profile.
60. The method of claim 56, wherein creating one or more graphics comprises invoking an applications program interface (API) based on the web content.

61. The method of claim 56, wherein creating one or more compositions comprises invoking an applications program interface (API) based on the web content.
62. The method of claim 56, wherein storing comprises storing in a single server.
63. The method of claim 56, wherein storing comprises storing in a plurality of servers.
64. The method of claim 56, further comprising changing the reference responsive to activation by web content.
65. The method of claim 56, wherein the graphics comprise text information.
66. A system comprising:
means for receiving web content comprising one or more graphics;
responsive to activation by the web content:
means for storing the one or more graphics in a network accessible graphics store and creating one or more compositions corresponding to the manner in which the one or more graphics are mapped into web pages and storing the same in a network accessible composition store;
in response to a web service request for information, means for enabling access of a user profile by the web service, the user profile associated with a network accessible profile store, the user profile comprising a reference to the graphics store, the composition store, and the one or more compositions; and

means for enabling optical character recognition by the web service of the one or more graphics to provide the requested information for use in presentation in the web pages with data specific to a user corresponding to the user profile and with the one or more graphics formatted based on the one or more compositions.

IX. EVIDENCE - APPENDIX

(None)

X. RELATED PROCEEDINGS - APPENDIX

(None)